

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IRMA CRISPIN-GOMEZ,

Defendant.

4:13CR3003

MEMORANDUM AND ORDER

The government has filed an unopposed motion to continue the trial currently set for December 9, 2013. (Filing No. 30). As explained in the motion, a material witness is not available during the current trial setting; the defendant needs additional time to investigate this case and review discovery; and the trial setting needs to be extended in light of the number of witnesses and documents at issue. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The government's motion to continue, (filing no. 30), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on February 10, 2014, or as soon thereafter as the case may be called, for a duration of six (6) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the government's motion and the representations of counsel, and with the defendant's agreement and consent, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and February 10, 2014, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7).

November 14, 2013.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge